

**Public Meeting  
February 5, 2002**

Chairman Mike Murray call the meeting to order at 9:00 a.m.

Commissioner Loendorf was present. Commissioner Varone was out of state attending the Rocky Mountain Program in Colorado. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Michael McHugh, Frank Rives, Cheryl Green, Christian Otto, Robert Hudnall, Dean Retz, Jim Taylor, Will Selser, Phil Hauck, John Harrington, Ken Mergenthaler, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Recommendation of BioSolids Bid Award. Will Selser recommended that this item be tabled to Thursday, February 7. Commissioner Loendorf moved to table the BioSolids bid award to February 7, 2002. Commissioner Murray seconded the motion and it carried 2-0.

Resolutions Ordering a Refund of Taxes and Assessments Paid. (cont. from 1/24/01) DOR representative, Christina Otto, reported that the common area on this plat is exempt properties and Ms. Otto recommended a refund. Commissioner Loendorf moved that the Commission approve the resolution to grant a refund to the Skelton Addition in the amount of \$374.84 and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Resolutions Ordering a Refund of Taxes and Assessments Paid. Cheryl Green reported that Windmill Properties is County Market and its parent company is Tidymans, which together comprise Windmill Properties, LLC. Both entities made first half tax payment. Staff applied the payment to the second half tax payment and Windmill Properties has requested that the check be returned. Staff recommended a refund of \$23,723.79. Commissioner Loendorf moved that the Commission approve the resolution to grant a refund to Windmill Properties, LLC in the amount of \$23,723.79 and authorize the chairman to sign. Commissioner Murray seconded the motion and the motion carried 2-0.

Proposed Subdivision, Summary Review to be Known as Hoff Minor, Lot 4, Amended Plat. The applicant proposes to subdivide Lot 4 of Hoff Minor Subdivision into two residential lots. Both lots would be developed with a single-family dwelling served by an individual well, individual on-site wastewater treatment system and utilities. Access to the lots would be from Emerald Ridge Loop Road connecting to Lake Helena Drive. The proposal is located east of Lake Helena Drive and adjacent to Emerald Ridge Loop Road. Dean Retz was present representing the applicant, Douglas Carlson, who was unable to attend today's hearing. Frank Rives presented the staff report. There are covenants affecting this subdivision. In 1998, the Conservation District conducted a LESA field study. There are no agricultural uses for this property and no irrigation facilities. This property is located within the Water Quality Protection District and the Air Quality Protection District, and is susceptible to wind erosion. This proposal is located

½ mile east of the Spokane Bench fault and 1 mile northeast of the Spokane Hills fault. In order to facilitate emergency services, the lots should be assigned addresses and identification plaques should be posted on site. Staff recommended approval of the proposal subject to 12 conditions as outlined in the staff report.

Dean Retz, 1430 Shirley Road. Mr. Retz stated that he and the applicant have read the staff report and is willing to proceed. He concurs with the recommended conditions of approval.

Hearing no other comments, this closes the public hearing. Commissioner Loendorf moved that the Commission render a final decision Thursday, February 7. Commissioner Murray seconded the motion and it carried 2-0.

Resolution Establishing 2002-2003 Fire Season. Chief Ken Mergenthaler was present in support of the resolution to establish a burning season for Lewis and Clark County east of the Continental Divide, and includes the Lincoln area. Contact can be made at the State of Montana Department of Environmental Quality for further burning information. Commissioner Loendorf moved that the commissioners approve the resolution and authorize the chairman to sign. Commissioner Murray seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat to be Known as Lowe Tracts 3. The applicant proposes to create 15 lots, each for one single-family dwelling. The subject property is generally located south of and adjacent to Howard Road, west of and adjacent to Dusty Maiden Road. Jim Taylor was present representing the applicants, Ann Pierce and Scott Black, who were unable to attend today's hearing. Michael McHugh presented the staff report. Each lot would be served by individual on-site wastewater treatment systems and utilities. Access to the lots would be from Howard Road or Dusty Maiden Drive connecting to internal access roads. The property is not located within a special zoning district and currently there are no covenants affect the property, but covenants are proposed. A petition was submitted to the Planning Department in opposition to the proposal. Applicants are proposing individual onsite wastewater treatment systems. Staff recommended that an RID be initiated by the county for Dusty Maiden Drive, Rocky Road, M. Scotty Drive, and Pioneer Parkway area. The East Valley Volunteer Fire Department has required that subdivisions that do not have onsite water capacity to fight fire protection pay a \$200 per undeveloped lot fee to the fire district. A five-year weed management plan would be required. There are no major health or safety issues identified in this proposal. This proposal complies with all county subdivision requirements and design regulations. The applicant has expressed a preference to provide cash payment in lieu of parkland dedication for 9.37 acres. At the planning board hearing, staff recommended approval of 17 conditions. The Planning Board approved the proposal with the addition of condition 14.i that the raising, keeping or confinement of livestock or other large animals on any of these lots is prohibited, and recommended that the county initiate a road improvement district for the maintenance of the roads within this area.

Jim Taylor, 8422 Diamond Springs Drive, stated this proposal is for a multi-family water system to serve 8 lots. The Helena Valley aquifer will serve the area. The applicant supports the creation of an RID for this area. The applicant concurs with the 17 conditions of approval as proposed by the Planning Board.

Without objection, all of the letters and comments received to date by the Planning Board will be incorporated into the public record.

Hearing no other comments, this closed this portion of the hearing. Commissioner Loendorf moved that the Commission render a final decision Thursday, February 7. Commissioner Murray seconded the motion and it carried 2-0.

Quit Claim Deed. (cont. from 1/29/02). Ron Alles reported that the Commission will accept closed bids for property described as Phoenix Addition, Block 5, Lot 16, undivided 1/6<sup>th</sup> interest, under Geo Code 1888-20-4-01-11-PS06. One sealed bid and one unsealed bid were received. Commissioner Murray opened the one sealed bid from Larry Hillebrecht in the amount of \$526.38. The opened bid from Steve Skinner is in the amount of \$500. Larry J. Hillebrecht is the successful bidder for the property. Commissioner Loendorf moved that the Commissioners accept the bid in the amount of \$526.38 from Mr. Hillebrecht and authorize the chairman to sign the Quit Claim Deed.

Montana Youth Homes Request for Funding. The Montana Youth Homes has requested additional funding for the Community Juvenile Justice Council for this year. By consensus, the chairman signed the letter to Montana Youth Homes stated the Commission is unable to award money at this time, but would consider an application next year.

There was no other business and the meeting adjourned at 10:12 a.m.